

Review of the New Juvenile Proceedings Rules: Automatic or Prosecutorial Waiver Proceedings

POWERPOINT PRESENTATION

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SUBCHAPTER 6.900:

GENERAL:

Changes conform rules to legislation and case law

Procedures apply to juveniles who commit a “specified juvenile violation” on or after their 14th birthday but before their 17th birthday (6.903(E))

Specified juvenile violations listed in 6.903(H)

Note changes to MCL 333.7401(2)(a)(i) and 333.7403(2)(a)(i): 1000 grams or more (6.903(H)(16))

Effective March 1, 2003

JUVENILE SENTENCING HEARING

Juvenile Sentencing Hearing only held for offenses not listed in MCL 769.1(a)-(l) (6.,931(A))

Only best interest of public considered

Court must impose adult sentence unless a preponderance of the evidence shows that the best interest of the public would be served by probation and commitment

(6.931(E)(2))

NEW CRITERIA USED FOR PROBATION / COMMITMENT OR SENTENCING DECISION

(6.931(E)(4))

PROBATION REVOCATION

Mandatory probation revocation warning (6.933(B)(1)(b) and People v Stanley, 200 Mich App 300.307 (1994))

Court no longer required to continue probation for violations other than commission of felony (6.933(B)(2) and MCL 771.7(2))

LIMITATIONS ON SENTENCE LENGTH FOLLOWING REVOCATION

(6.933 (C) and People v Valentin, 457 Mich 1, 11, 14 (1998))

REVIEWS

Court may commit juvenile to DOC based on reviews

Hearing required under 6.937 to order more restrictive placement or treatment plan

FINAL REVIEW HEARINGS